



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

January 29, 2026

Case Number: 2025-CAP-854 / 2025-CVR-854

Property Address: 6340 Intech Commons Drive (Approximate Address)

Location: Pike Township, Council District #6

Petitioner: Intech Park Partners, LLC, by Timothy E. Ochs and Jennifer Milliken

Current Zoning: C-S

Request:

Modification of Commitments related to petition 98-Z-233 to modify Commitment 20 to provide for no more than two free-standing fast food or drive-through restaurants within 'Area "F", within three hundred forty-five feet (345 feet) of the existing centerline of 71st Street, and the west line of the outlot (in an east-west direction) upon which it is located shall not be closer than two hundred feet (200 feet) to the east right-of-way of Intech Boulevard (current commitment limits the number of free-standing fast food or drive-through restaurants to one within 'Area "F", within three hundred forty-five feet (345 feet) of the existing centerline of 71st Street, and the west line of the outlot (in an east-west direction) upon which it is located shall not be closer than four hundred feet (400 feet) to the east right-of way of Intech Boulevard.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for zero stacking spaces at the end of each service unit (minimum of two stacking spaces at the end of each service unit required), and to provide for 15 off-street parking spaces (maximum of seven off-street parking spaces required).

Current Land Use: Undeveloped

**Staff
Recommendations:** Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR JANUARY 29, 2026 HEARING EXAMINER

This petition was continued from the December 18, 2025 hearing to the January 29, 2026 hearing at the request of a Registered Neighborhood Organization.

The petitioner's representative notified staff that they agreed to commitments to address the Registered Neighborhood Organization's concerns. The commitments have not been submitted to the case file and should be addressed at the hearing.



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December 18, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 1.64-acre subject site is an undeveloped parcel located within Intech Park. It is bordered by the Intech C-S district with a bank to the west, commercial shopping strip to the south, and a drive-through coffee shop to the east. Across 71st Street to the north is a veteran's center, zoned C-S, and located in a separate C-S district.

MODIFICATION

The request would modify Commitment #20 related to petition 98-Z-233 to provide for "no more than two free-standing fast food or drive-through restaurants within 'Area "F", within three hundred forty-five feet (345 feet) of the existing centerline of 71st Street, and the west line of the outlot (in an east-west direction) upon which it is located shall not be closer than two hundred feet (200 feet) to the east right-of-way of Intech Boulevard".

The current commitment limits the property to one (1) free-standing fast food or drive-through restaurants within 'Area "F", within 345 feet of the existing centerline of 71st Street, and the west line of the outlot (in an east-west direction) upon which it is located shall not be closer than 400 feet to the east right-of way of Intech Boulevard.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for a drive-through coffee shop with zero stacking spaces at the end of the service unit where a minimum of two (2) stacking spaces at the end of each service unit is required.

It would also allow 15 off-street parking spaces to be provided where a maximum of seven (7) off-street parking spaces is permitted for the 781 square feet of building area.

It should be noted that three (3) bike spaces would be required on site unless the petitioner plans to seek an additional variance as it was not included in this filing.

STAFF ANALYSIS

The limit of one (1) free-standing fast food or drive-through restaurant in Area “F” prevents the high traffic count that would otherwise be generated by these types of uses. Because there is a single access drive for all existing buildings in Area “F”, additional traffic for a drive-through service would increase traffic congestion which could substantially affect the surrounding businesses.

Furthermore, the C-S plan intended to limit and contain commercial development within Intech Park. This is the reason the commitments were put in place and staff did not find a reason to go against the development plan.

Staff determined that the Variance of Development Standard requests are self-imposed due to the business operation. In staff’s opinion, there is no practical difficulty in the use of the property because a larger building footprint would increase the maximum parking spaces and would allow for the stacking spaces at the end of the service unit to be proposed.

Additionally, the site could be developed with a permitted use within this C-S district without the need for variances.

For these reasons, staff is recommending denial of the requests.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Undeveloped	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-S	Veteran’s Center
South:	C-S	Commercial Shopping Strip
East:	C-S	Coffee Shop
West:	C-S	Bank
Thoroughfare Plan		
71 st Street	Primary Arterial	134-foot proposed right-of-way and 220-foot existing right-of-way.
I-465 Ramp	Freeway	Not Applicable.
Intech Commons Drive	Private Street	Not Applicable.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	November 13, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	

Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	November 13, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	November 13, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Greenways Full Circle Master Plan, Part One (2014)

Pattern Book / Land Use Plan

- The site is recommended for Community Commercial development by the Comprehensive Plan.
- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- Conditions for All Land Use Types
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
- Small-Scale Offices, Retailing, and Personal or Professional Services
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended. Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Large-Scale Offices, Retailing, and Personal or Professional Services
 - Should be located along an arterial street.
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The site falls within the Indy Greenways Full Circle Master Plan, Part One (2014).
- The Northtown Trail is an off-street multi-use path that exists along the northern property boundary that runs from Eagle Creek Parkway to Georgetown Road.
- The Northtown Trail completes the east-west connection between Fort Harrison State Park and Eagle Creek Park. Along its route, it connects to many neighborhood and community parks, greenways, residential centers, and commercial nodes. It also opens up new recreational access to the White River. Largely in established residential areas, the corridor will likely be limited to an 8-foot-wide path for most of its length.
- At Corporate Drive, the shared-use path is built through the interchange and continuing to Eagle Creek Park. This 1.75 mile built trail section is currently considered part of the Eagle Creek Greenway. With this planning effort, this section becomes part of the new Northtown Trail. The Northtown Trail terminates at Lafayette Road.
- The Northtown Trail becomes a major piece of the full circle plan providing a critical east-west connection across the north side of the city, connecting Fort Harrison State Park to Eagle Creek Park, and also provides connections to Broad Ripple.

ZONING HISTORY

Zoning History – Site

98-Z-233; 6201 West 71st Street (subject site), Rezoning of 210.8 acres, being in the C-1 and C-6 Districts, to the C-S classification to provide for mixed-use office park, including offices, light industrial uses, general commercial uses, and hotels, **approved**.

84-Z-54; 6301 West 71st Street (subject site), Rezoning of 10.8 acres, being in the D-2 district, to the C-6 classification to provide for an executive motor hotel and related facilities, **approved**.

80-Z-81; 6451 West 71st Street (subject site), Rezoning of 211.73 acres, being in A-2, D-2, D-3, C-4 and C-6 districts, to C-S classification, to provide for various C-1 and C-4 uses for commercial office and retail sales, as well as, D-6, D-6II and D-7 classification areas for patio homes, condos, and multi-family uses, **withdrawn**.

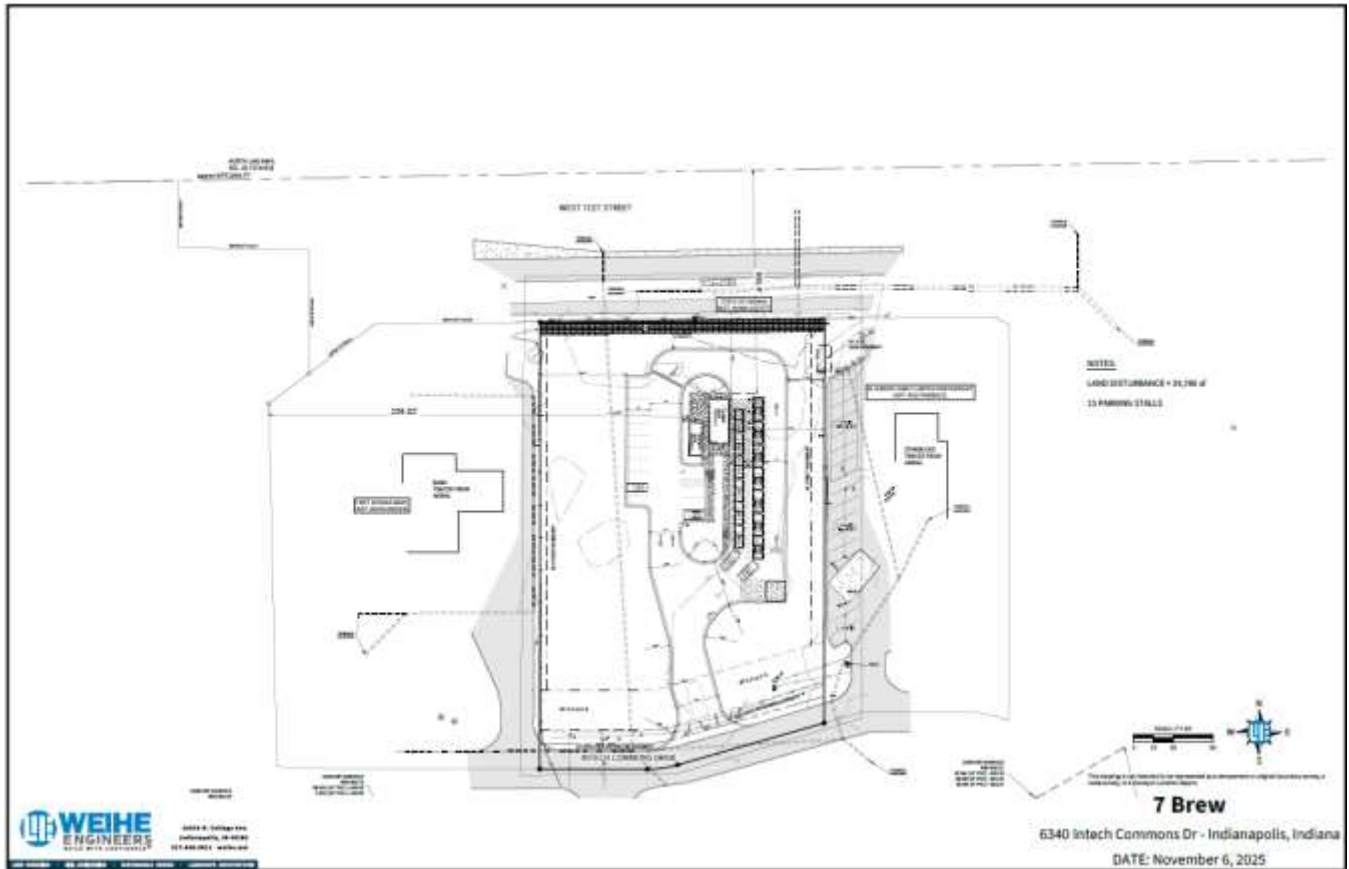
69-Z-318; 6451 West 71st Street (subject site), Rezoning of 11.35 acres, being in the D-2 District, to the C-6 classification to provide for commercial development, **approved**.

58-Z-72; South of 71st Street, approximately 1,320 feet west of Zionsville Road (subject site), Rezoning of approximately 120 acres, being in an A-2 district to an R-2 classification to provide minimum requirements for residential use by platting, **approved**.

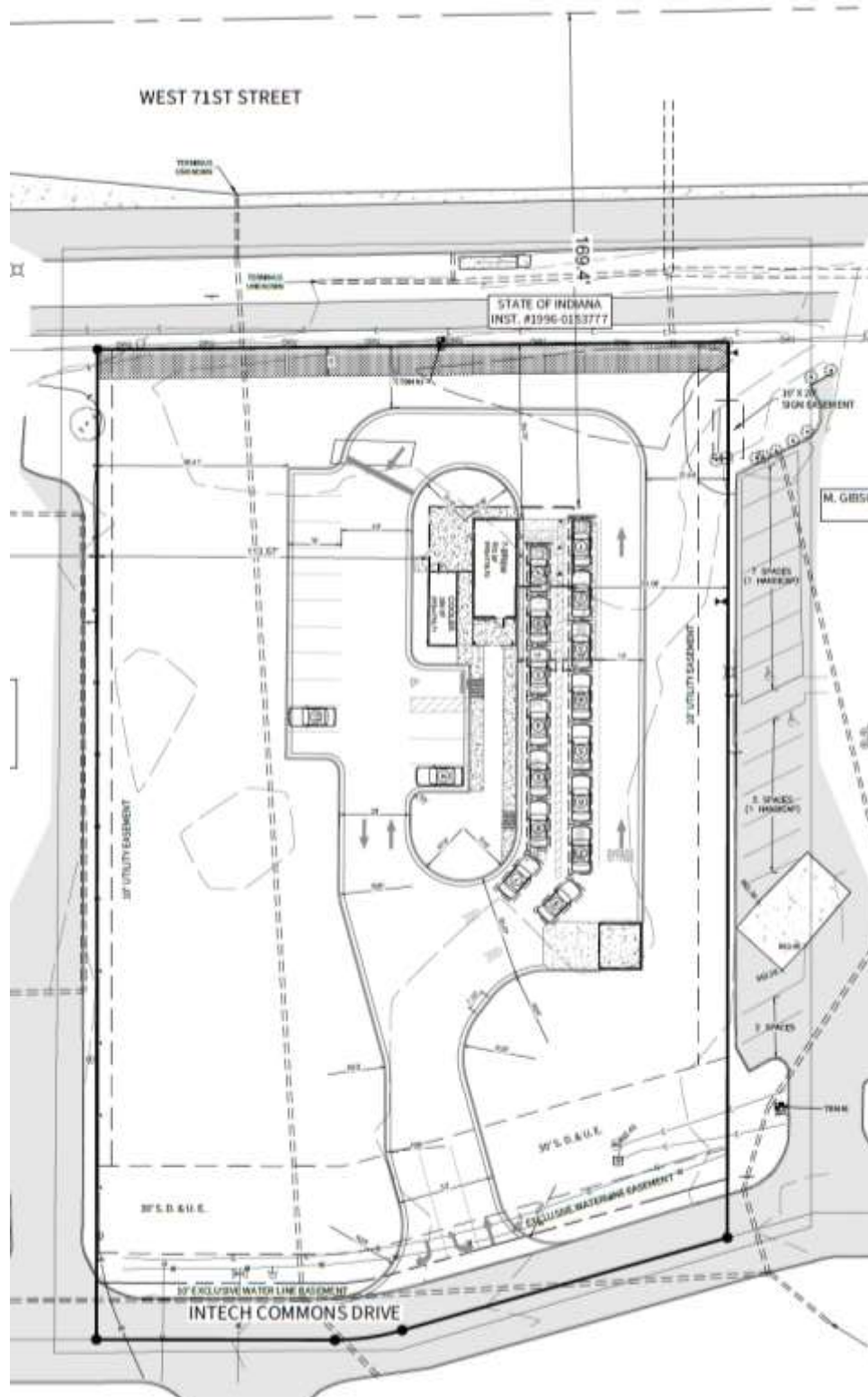
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AERIAL MAP

SITE PLAN



SITE PLAN CLOSE-UP





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The omission of two stacking spaces at the exit of each drive-through service unit will not be injurious to the public health, safety, morals, and general welfare of the community because the site will have more than adequate stacking spaces to keep vehicles in the drive-through line from interacting with other vehicles on the site or in its vicinity. The ordinance requires 12 total stacking spaces (6 per service unit), and this site plan provides for 15 (7 for one service unit and 8 for the other.)

Exceeding the maximum number of parking spaces permitted will not be injurious to the public health, safety, morals, and general welfare of the community because the 15 spaces provided are a reasonable number for the use and lot size. The maximum of 7 parking spaces permitted by ordinance is driven by the small square footage of the building footprint (781 sq ft), whereas the vast majority of this business is conducted in the exterior drive-through lanes.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The site design, including drive-through layout, will be very similar to that of surrounding properties. Traffic in the area is well-managed by the use of Intech Commons Drive as a "service road" to approach the buildings from behind, while they front 71st Street.

The number of parking spaces will be far fewer than on surrounding properties, allowing more of this site to be preserved as green space. That green space will be provided with additional landscaping to meet the requirements of the UDO and the Commitments for Intech Park. This will improve the appearance of the area overall.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The user has determined that the two stacking spaces past the exit are not necessary under their business model, but have provided the number and location of stacking spaces which meets their needs. This 15 stacking spaces provided exceeds the 12 required by the UDO. Because of the small footprint of the building, it is difficult to provide the two stacking spaces at the exit of the final service unit.

The maximum of 7 parking spaces allowed by the UDO does not provide enough spaces for the employees of the business (6-10 per shift). The 15 provided spaces also allows for some customers who might opt to use the walk-up window versus drive-through. There is more than enough space on the site for the requested parking spaces.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

**STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS**

**COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION
OR SPECIAL EXCEPTION PETITION**

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description:

PARCEL 1: Part of the Northwest Quarter of Section 35, Township 17 North, Range 2 East in Marion County, Indiana, being described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence North 88 degrees 53 minutes 31 seconds East (assumed bearing) along the north line thereof a distance of 1322.87 feet to the northwest corner of the Northeast Quarter of said Northwest Quarter; thence South 00 degrees 14 minutes 03 seconds West along the west line of said Quarter Quarter a distance of 50.74 feet to the south line of a 19.019 acre parcel of land described in a deed to the State of Indiana recorded as Instrument No. 68-67226; thence South 88 degrees 52 minutes 42 seconds East a distance of 100.14 feet to a northwest corner of a 3.069 acre parcel of land described in a deed to the State of Indiana recorded as Instrument #96-153777; thence South 00 degrees 06 minutes 49 seconds West a distance along the west line of said Instrument #96-153777 a distance of 93.63 feet; thence South 53 degrees 00 minutes 14 seconds West a distance of 38.09 feet to the east right-of-way line of Intech Boulevard; thence South 00 degrees 14 minutes 03 seconds West along said east right-of-way line a distance of 282.59 feet to the POINT OF BEGINNING; thence North 84 degrees 31 minutes 23 seconds East a distance of 56.48 feet; thence South 90 degrees 00 minutes 00 seconds East a distance of 201.95 feet; thence South 00 degrees 26 minutes 41 seconds East a distance of 240.41 feet to a 5/8 inch diameter rebar with yellow plastic cap stamped "Schneider Firm #0001" (hereafter referred to as a "capped rebar"); thence South 89 degrees 33 minutes 19 seconds West a distance of 271.02 feet to a "capped rebar", said point on the east right-of-way line of Intech Boulevard, the following (3) courses being along said east right-of-way; (1) thence North 00 degrees 14 minutes 03 seconds East a distance of 182.72 feet; (2) thence North 32 degrees 14 minutes 22 seconds East a distance of 18.87 feet; (3) thence North 00 degrees 14 minutes 03 seconds East a distance of 38.44 feet to the point of beginning.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1.	<p>Commitment #20 of the Original Commitments is hereby replaced with the following:</p> <p><u>20. No more than two (2) free-standing fast food or drive-through restaurants shall be permitted in Area "F" within three hundred forty-five feet (345') of the existing centerline of 71st Street, and the west line of the outlot (in an east-west direction) upon which it is located shall not be closer than two hundred feet (200') to the east right-of-way of Intech Boulevard.</u></p>
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These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);

3.	
4.	

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final



Photo of the subject site looking south from



Photo of the southern property boundary looking east along Intech Commons Drive.



Photo of the subject site looking northeast along the western property boundary.



Photo of the coffee shop east of the subject site.



Photo of the bank west of the site.



Photo of the commercial shopping strip south of the subject site.